

Remarks/Arguments:

Claims 1-28 are presently pending. Claims 11, 12, 15, 19, 21 and 26 are rejected, and claims 13 and 14 are objected to. Applicants herein amend claims 11, 14, 19, 21, and 26, and cancel claim 13. No new matter is added by the claim amendments. Reconsideration is requested.

Section 3 of the Office Action indicates that the disclosure is objected to due to the title and recommends that the title reflect the gist of or the improvement of the present invention. Applicants herein amend the title to read "DATA REPRODUCTION APPARATUS HAVING A VARIABLE SYNCHRONIZATION DETECTION WINDOW". Applicants contend that the title as amended reflects the gist of the present invention. Accordingly, applicants request that the objection to the disclosure be withdrawn.

Section 4 of the Office Action indicates that claim 26 is rejected under 35 U.S.C. §101 due to the claimed invention being directed to non-statutory subject matter. The Office Action further recites that claim 26 is drawn to a "program" *per se*, and as such, is non-statutory subject matter. Applicants herein amend claim 26 such that it is now directed to a computer readable medium rather than a program *per se*. Accordingly, applicants contend that claim 26 as amended is directed to statutory subject matter, and request that the rejection of claim 26 under 35 U.S.C. §101 be withdrawn.

Section 5 of the Office Action indicates that claim 26 is objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to limit the subject matter of a previous claim. Claim 26 is amended herein such that it is now in independent form. Accordingly, applicants contend that the objection to claim 26 under 37 CFR 1.75(c) is obviated. Accordingly, applicants request that the objection to claim 26 under 37 CFR 1.75(c) be withdrawn.

Section 6 of the Office Action indicates that claim 26 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action recites that "claim 26 is confusing and unclear" and further recites that "a single claim which claims both an apparatus and the method steps [program steps] of using the apparatus is indefinite under 35 U.S.C. §112, second paragraph." Applicants herein amend claim 26 such that it is directed to a computer readable medium including instructions to cause a computer to perform a data reproduction method, in which the method comprises identified

steps. Applicants contend that claim 26 as amended satisfies the requirements of 35 U.S.C. §112, second paragraph, and, accordingly, requests that this rejection be withdrawn.

Section 14 of the Office Action indicates that claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants herein amend claim 11 to include the subject matter of claim 13, which depended directly from claim 11. Accordingly, amended claim 11 includes all the limitations of claim 13 and, thus, should be allowable for the same reasons that the Examiner found claim 13 to be allowable. Additionally, claim 26, as amended, recites all steps of amended claim 11 and, thus, should be allowable as well.

Section 8 of the Office Action indicates that claims 11, 12, 15, 19 and 21 are rejected under 35 U.S.C. §103 as being unpatentable over Nishikawa, J.P.O. publication 08-124300 (hereafter Nishikawa) in view of Foland et al., U.S. 6,005,731 (hereafter Foland).

As indicated above, claim 11 has been amended to include all of the limitations of claim 13, which was identified as including allowable subject matter and, thus, claim 11 should now be allowable. Accordingly, applicants request that the rejection of claim 11 be withdrawn.

Claims 12, 15, 19, and 21 each depend from claim 11. Since a dependent claim includes all of the limitations of the independent claim from which it depends, claims 12, 15, 19 and 21 are likewise allowable. Accordingly, applicants request that the rejection of claims 12, 15, 19, and 21 be withdrawn.

Section 13 of the Office Action recites that "a search based on the best understanding of the claims has been made to find the most pertinent art, but no statement about the invention will be appropriate at this time regarding the allowableness of claims 26 and no art rejection will be made in this Office Action regarding the claim 26, due to the speculation required to interpret the claim because of their indefiniteness under 35 U.S.C. 112, 1st and 2nd paragraphs as noted above." As indicated above, claim 26 has been amended to overcome the rejections for indefiniteness under 35 U.S.C. §112. Also, applicants direct the Examiner to amended claims 11 and 26. As will be readily apparent to the Examiner, these claims include many similar features, including changing the window width of the sync window for a predetermined period of time after the detection of said

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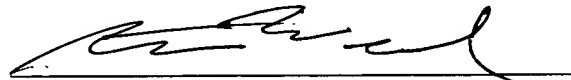
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defect ends, which was identified by the Examiner as not being disclosed in Nishikawa.
Accordingly, applicants contend that claim 26 is also allowable.

Additionally, applicants have amended the abstract herein such that it is now one paragraph.

In view of the amendments and remarks set forth above, applicants respectfully submit that claims 11, 12, 14, 15, 19, 21, and 26 are in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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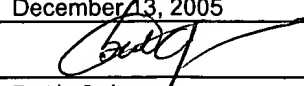
Enclosure: Abstract

Dated: December 13, 2005

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